

3 FAM 3670

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

(CT:PER-644; 07-07-2011)
(Office of Origin: HR/ER/DRAD)

3 FAM 3671 OVERVIEW

3 FAM 3671.1 Policy

(CT:PER-644; 07-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

- a. It is the policy of the U.S. Department of State to comply fully with the reasonable accommodation requirements of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 et seq. Under this law, together with the Americans with Disabilities Act Amendments Act of 2008, that is incorporated into Federal regulations at 29 CFR 1630 governing the Equal Employment Opportunity Commission, Federal agencies must provide reasonable accommodation to qualified employees and applicants for employment with disabilities, with limited exceptions including, but not limited to, business necessity, undue hardship, and direct threat.
- b. This subchapter implements Executive Order 13164 that requires each Federal agency to establish effective written procedures for processing requests for reasonable accommodation by qualified employees and applicants with disabilities.
- c. Nothing in this subchapter is to be interpreted to constrain a manager, in accordance with existing policies or procedures, from taking appropriate measures to address poor job performance or misconduct by an employee with disabilities if similar performance or misconduct would not be acceptable by other employees.

3 FAM 3671.2 Authorities and References

(CT:PER-644; 07-07-2011)
(State Only)

(Applies to Foreign Service and Civil Service Employees)

The authorities and references for this subchapter are:

- (1) The Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 et seq.;
- (2) The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;
- (3) The Americans with Disabilities Act Amendments Act of 2008, Public Law 110-325;
- (4) The Family and Medical Leave Act of 1993, 5 U.S.C. 6381 through 5 U.S.C. 6387;
- (5) E.O. 13163 (July 26, 2000): Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government;
- (6) E.O. 13164 (July 26, 2000): Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation;
- (7) 29 CFR 630, 29 CFR 825, 29 CFR 1614, and 29 CFR 1630;
- (8) The Foreign Service Act of 1980, as amended, 22 U.S.C. 3901, et seq.;
- (9) The Privacy Act of 1972, as amended, 5 U.S.C. 552a;
- (10) EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), available on the EEOC's Web site;
- (11) EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act (ADA) (July 27, 2000), available on the EEOC's Web site; and
- (12) EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (October 20, 2000), available on the EEOC's Web site.

3 FAM 3671.3 Applicability

(CT:PER-644; 07-07-2011)
(State Only)

(Applies to Foreign Service and Civil Service Employees)

These procedures apply to all qualified employees and employment applicants, as defined by law, of the U.S. Department of State, excluding foreign nationals employed outside the territorial limits of the United States. The procedures of this section are separate and apart from the medical clearance process governed by 16 FAM 200. Special procedures for extenuating circumstances in certain situations are described in 3 FAM 3673.5

3 FAM 3671.4 Definitions

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

Essential functions: This term means job duties of the employment position. "Essential function" does not include marginal functions. A function may be "essential" if, among other things:

- (1) The position exists specifically to perform that function;
- (2) There are a limited number of other employees who could perform the function; or
- (3) The function is specialized and the individual is hired based on his or her ability to perform it.

Qualified individual with a disability: An individual with a disability who:

- (1) Satisfies the skill, experience, education, and other job-related requirements of the position; and
- (2) Can perform the essential functions of the position, with or without reasonable accommodation.

Reasonable accommodation: Reasonable accommodation is a change in the work environment or in the application process that would enable a person with a disability to enjoy equal employment opportunities.

Undue hardship: An action requiring significant difficulty or expense to the employer. Factors to be considered include:

- (1) The nature and net cost of the accommodation needed;
- (2) The financial resources of the Department as a whole; and
- (3) The impact of the accommodation upon the operation of the Department's mission, including the impact on the ability of other employees to perform their duties and to conduct business.

NOTE: The definitions in the applicable statutes and regulations will govern in the event of a conflict.

3 FAM 3671.5 Disability-Related Inquiries

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. A Department employee should generally refrain from asking an employee or applicant for employment:
 - (1) Whether such an individual has a disability;
 - (2) If the individual has a disability, the nature and severity of the disability; and
 - (3) The nature of the reasonable accommodation an individual may require, unless such individual has made a request for reasonable accommodation or the individual has a known or obvious disability.
- b. Exceptions:
 - (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
 - (2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - (3) Government officials investigating compliance with this part shall be provided relevant information on request.
- c. When an individual requests a reasonable accommodation, the Disability/Reasonable Accommodation Division (HR/ER/DRAD) will ascertain whether the individual has a disability and the nature, severity, and projected duration of such a disability.

3 FAM 3672 MAKING A REQUEST FOR A REASONABLE ACCOMMODATION

3 FAM 3672.1 Timing the Request for Reasonable Accommodation

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

An individual may request a reasonable accommodation whenever he or she chooses. However, generally, the Department has no obligation to provide a reasonable accommodation until the individual makes a request for one. The individual does not have to wait until the disability or medical condition is having an effect on work performance to make a request for reasonable accommodation.

3 FAM 3672.2 Recipients of Requests from Employees

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. An employee assigned to a position in the United States may present an oral or written request for reasonable accommodation to the employee's supervisor; a supervisor or manager in the employee's immediate chain of command; the employee's bureau executive director; or the Disability/Reasonable Accommodation Division (HR/ER/DRAD).
- b. An employee assigned to a position outside the United States may present an oral or written request for reasonable accommodation to the employee's supervisor; a supervisor or manager in his or her chain of command; the post's management officer; or HR/ER/DRAD.
- c. An applicant for a Civil Service position in the United States may present an oral or written request for reasonable accommodation to the employing bureau's personnel officer or HR/ER/DRAD.
- d. A U.S. citizen applicant for a position outside the United States may present an oral or written request for reasonable accommodation to the office that advertises the position or the post's management officer.
- e. Foreign Service applicants should make a request for any accommodation

that will be needed during either the written or oral segments of the Foreign Service exam either at the time of registration for the written portion of the Foreign Service Examination; at the time of scheduling the oral portion of the Foreign Service Examination; or at the earliest opportunity during any alternative application process to the Foreign Service.

- f. Individuals requiring reasonable accommodation during a training assignment to the Foreign Service Institute (FSI) at the George P. Shultz National Foreign Affairs Training Center (Shultz NFATC) should submit a request for reasonable accommodation to HR/ER/DRAD, the FSI Office of the Registrar, and to the instructor and/or coordinator of the FSI course(s) the individual plans to attend. For further instruction on procedures for submitting such a request to FSI, please consult the FSI Office of the Registrar's Web site.

3 FAM 3672.3 Initiating Requests for Reasonable Accommodation

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. A request for a reasonable accommodation may be oral or written.
- b. An oral request must be followed by a written confirmation of the request. If the request is oral, the Department employee or office receiving the request should give the applicant Form DS-5053, Reasonable Accommodation Request. If the employee or applicant for employment making the request asks for assistance in completing the report, the Department employee or office receiving the request should provide such assistance.
- c. Special wording is **not** required. A request for reasonable accommodation should let the Department know that an adjustment or change at work is needed for a reason related to a medical condition. The request does not, however, have to use any special words such as "reasonable accommodation," "disability," or "Rehabilitation Act."
- d. Processing of an oral request for accommodation should begin before written confirmation is received. While the written confirmation should be made as soon as possible following an oral request, it is generally not in and of itself a requirement for having the Department take action on the request. The employee or office that receives an oral request should generally begin processing the request after it is made, whether or not

written confirmation has been provided, by completing Form DS-5053 (see 3 FAM 3673).

- e. Requesting an accommodation on a recurring basis: Usually, a written confirmation of a request for reasonable accommodation is needed only for the first instance of an accommodation needed on a recurring basis for a permanent condition that will not change, such as the need for a reader or a sign language interpreter. For subsequent instances of the need for a recurring accommodation, generally, the only requirement is adequate advance notice to the Disability/Reasonable Accommodation Division (HR/ER/DRAD) of the need for the accommodation to be provided.
- f. A representative may make a request on behalf of someone else. A family member, health professional, or other representative acting on the Department of State employee's or employment applicant's behalf may request an accommodation. If the Department receives a request from a representative, it should seek confirmation from the person who needs the accommodation that the representative has authority to interact with the Department on the person's behalf.

3 FAM 3673 PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

3 FAM 3673.1 Decision Maker

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The Disability/Reasonable Accommodation Division (HR/ER/DRAD) is the Department's designated decision-maker on all reasonable accommodation requests.
- b. The Under Secretary for Management or designee must approve all denials of reasonable accommodation based on undue hardship.

3 FAM 3673.2 Time Frame for Forwarding the Request

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

A Department official who receives a request for reasonable accommodation should forward it promptly. If the request was not made in writing and the requestor has not completed Form DS-5053, Reasonable Accommodation Request, the Department official should fill out the form to the extent possible and forward it to the Disability/Reasonable Accommodation Division (HR/ER/DRAD).

3 FAM 3673.3 Time Frame to Process the Request

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The Disability/Reasonable Accommodation Division (HR/ER/DRAD) will process requests for reasonable accommodation and deliver the accommodation promptly. The time necessary to process a request is dependent on numerous factors including, but not limited to the nature of the accommodation requested; whether it is necessary to obtain supporting information such as medical documentation; procurement processes; hiring processes; and other circumstances. For examples of extenuating circumstances, see 3 FAM 3673.5.
- b. In the case of newly hired employees or employees being assigned to a new position, the Department will try to have the reasonable accommodation in place when the employee first reports to duty. However, this may not always be possible.
- c. HR/ER/DRAD and individuals with disabilities may consult the resources listed in 3 FAM Exhibit 3673.3 in order to identify and evaluate potential reasonable accommodation options.
- d. When necessary, the Department will make an effort to ensure expedited processing of a request for an accommodation. Expedited processing might be necessary where the accommodation is needed to apply for a position or to participate in a specific activity that is scheduled to occur shortly.

3 FAM 3673.4 The Interactive Process

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The interactive process is a back-and-forth communication between the person desiring the accommodation, or his or her representative, and a

Department of State employee to clarify the workplace barrier the individual is experiencing; the disabling condition at issue; and the proposed accommodation. The obligation to initiate the interactive process, in most circumstances, lies with the individual requiring the accommodation, or his or her representative.

- b. The individual requesting the accommodation and the Disability/Reasonable Accommodation Division (HR/ER/DRAD) should engage in the interactive process to discuss the request for reasonable accommodation if, for example:
 - (1) It is not evident that the individual has a disability;
 - (2) It is not clear whether there is an effective accommodation; or
 - (3) There is more than one possible accommodation.
- c. On receiving a request for reasonable accommodation, HR/ER/DRAD should explain to the individual that HR/ER/DRAD will be making the decision on the request in consultation with other Department of State employees as needed, including, but not limited to the Office of Medical Services (MED); the Office of the Legal Advisor (L); and the employee's bureau and/or post; and will describe what will happen in the processing of the request.
- d. When the request for accommodation is made by a third party, HR/ER/DRAD shall, if possible, confirm with the job applicant or employee with a disability that he or she wants a reasonable accommodation and authorizes the third party to discuss the need for reasonable accommodation with the Department, before proceeding. It may not be possible to confirm the request if the individual has, for example, been hospitalized. In this situation, HR/ER/DRAD will process the third party's request and will consult directly with the individual needing the accommodation as soon as it is practicable to do so.
- e. HR/ER/DRAD, in consultation with MED and L, as appropriate, will determine whether an individual has a disability within the meaning of the Rehabilitation Act. HR/ER/DRAD may request medical documentation about the individual's disability in accordance with 3 FAH-1 H-3671 via Form DS-6546, Medical Questionnaire for Assessment of Disability/Reasonable Accommodation. An employee's or applicant's (or his or her representative's) failure to respond to requests for documentation identified as necessary in order to consider a request for reasonable accommodation, or to cooperate in the Department's efforts to obtain such documentation, may result in a denial of a reasonable accommodation request.

- f. HR/ER/DRAD, in consultation with the supervisor and other offices as appropriate, will determine whether the individual is a qualified individual with a disability who is able to perform the essential functions of the job with or without accommodation.
- g. HR/ER/DRAD will identify possible accommodations, in consultation with the individual requesting the accommodation, the supervisor and other Department offices, as appropriate.
- h. The individual requesting the accommodation must help, to the extent possible, to identify an effective accommodation. While the individual does not have to be able to specify the precise accommodation, he or she does need to describe the problems posed by the workplace barrier(s).

3 FAM 3673.5 Extenuating Circumstances

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The following nonexhaustive list provides examples of extenuating circumstances that may lengthen the time needed to make a decision about and/or provide a reasonable accommodation:
 - (1) There is an outstanding initial or follow-up request for medical information, or Office of Medical Services Occupational Health Division of Domestic Programs (MED/OH/DP) is evaluating medical information which has been provided;
 - (2) The purchase of equipment takes longer than anticipated due to delays by the vendor, nonavailability of equipment, requirements of Department regulations (e.g., the requirement for randomized procurement), or travel/shipping delays;
 - (3) The individual needs to use the equipment on a trial basis to ensure it is effective before a purchase decision can be made;
 - (4) New staff needs to be hired or contracted for;
 - (5) An accommodation involves the removal of architectural barriers;
 - (6) The requested accommodation raises security concerns, and the Bureau of Diplomatic Security (DS) needs time to evaluate the request and consider other options; and
 - (7) The accommodation to be provided is a reassignment and the

Department needs to search all available job vacancies to see if there is a position for which the requesting employee is qualified.

- b. Where extenuating circumstances exist, the Disability/Reasonable Accommodation Division (HR/ER/DRAD) should notify the individual of the reason for the delay and the approximate date on which a decision or provision of the reasonable accommodation is expected.

3 FAM 3673.6 Providing Interim Relief Measures

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The Disability/Reasonable Accommodation Division (HR/ER/DRAD) may decide that interim relief measures are appropriate if:
 - (1) They do not interfere with the operations of the agency; and
 - (2) The individual is informed clearly that the measures are being provided only on a temporary/interim basis, while awaiting either the provision of reasonable accommodation or a decision on whether the accommodation request will be granted.
- b. If an interim relief measure is appropriate, HR/ER/DRAD will work with the individual's supervisory chain of command to ensure that temporary measures are provided to the individual.

3 FAM 3673.7 Notification of Decision

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The Disability/Reasonable Accommodation Division (HR/ER/DRAD) will inform the individual requesting an accommodation or his or her representative whether the requested accommodation will be granted; whether an alternative accommodation will be provided; or that the request is denied.
- b. If HR/ER/DRAD grants the requested accommodation or an effective alternative accommodation, the notice will state what the accommodation is and when it will be provided.
- c. If HR/ER/DRAD denies the requested accommodation, the notice will include the reason for denial.

3 FAM 3674 DENIAL OF REQUESTS FOR REASONABLE ACCOMMODATION

3 FAM 3674.1 Grounds for Denial

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

The following grounds for denial is a nonexhaustive list of reasons why the Disability/Reasonable Accommodation Division (HR/ER/DRAD) may deny a request for reasonable accommodation:

- (1) The employee or applicant does not have a disability. If the individual requesting accommodation does not provide adequate documentation or other evidence indicating that he or she has a disability within the meaning of the Rehabilitation Act, he or she does not have a legal right to a reasonable accommodation;
- (2) The requested accommodation would require the removal of an essential function of the job: An employer is never required to remove an essential function of a job as a reasonable accommodation;
- (3) There is no accommodation that would permit the employee or applicant to perform the essential functions of the job. If the requested accommodation would not be effective, HR/ER/DRAD will engage in an interactive and investigatory process to determine whether any accommodation would enable the employee or applicant to perform the essential functions of the position in question. If no accommodation would be effective to allow the employee or applicant to perform the essential functions of the current job, HR/ER/DRAD will consider if reassignment to a vacant position is an available accommodation;
- (4) The requested accommodation does not relate to the individual's ability to perform his or her functions. The purpose of reasonable accommodation is generally to enable an employee with a disability to perform his or her job functions, not to provide additional convenience; enhance one's overall quality of life; or achieve a more desirable balance between family and work commitments;
- (5) The requested accommodation would constitute an undue hardship for the Department. Even if a requested accommodation would be effective, and is necessary to enable an employee to perform the

essential functions of his or her position, it generally can be denied if granting the request would constitute an undue hardship for the Department. The Undersecretary for Management (M) or designee must approve undue hardship determinations; or

- (6) Granting the requested accommodation would violate other laws, regulations, or collective bargaining agreements. The Department may not be required to grant a reasonable accommodation if it would violate Federal laws, regulations, or collective bargaining agreements.

3 FAM 3674.2 APPEAL OF A REASONABLE ACCOMMODATION DENIAL

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

An individual whose request for reasonable accommodation is denied may pursue an appeal of that denial by submitting information, in writing, to the Director General of the Foreign Service and Director of Human Resources (DGHR) within 10 business days of receipt of the written decision denying reasonable accommodation. Individuals are also encouraged to use the Department's Alternative Dispute Resolution Program to seek resolution of the issue.

3 FAM 3675 RELATION OF REASONABLE ACCOMMODATION POLICY TO PROCEDURES FOR STATUTORY AND COLLECTIVE BARGAINING

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. The policy set forth in this subchapter is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation.
- b. Making a request for reasonable accommodation under this subchapter does not initiate a claim under statutory and collective bargaining

procedure, and does not affect the time frames for filing such claims.

- c. An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation must:
 - (1) For an EEO complaint: Contact a Department EEO counselor or the Office of Civil Rights (S/OCR) within 45 calendar days of the date of receipt of the written notice of denial of the request for reasonable accommodation or, if appealed, within 45 calendar days of the notice of denial of the appeal;
 - (2) For a collective bargaining claim: File a written grievance in accordance with the provisions of the appropriate Collective Bargaining Agreement;
 - (3) For a claim before the Foreign Service Grievance Board (FSGB): Follow the processes enumerated in 3 FAM 4400, 22 CFR 9;

NOTE: Under Section 1109(b) of the Foreign Service Act, an employee may file a grievance or an EEO complaint alleging employment discrimination, but not both. Filing one forever precludes filing another. The time limit for filing a grievance alleging discrimination is 180 days;
 - (4) For an appealable adverse action as defined in 5 CFR 1201.3: Initiate an appeal to the Merit Systems Protection Board (MSPB) within 30 days of the adverse action.

3 FAM 3676 SPECIAL PROCEDURES FOR CERTAIN TYPES OF REASONABLE ACCOMMODATION REQUESTS

3 FAM 3676.1 Requests for Time Off

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. If an employee requests time off work due to a medical condition that might qualify as both a disability under the Rehabilitation Act and as a serious medical condition under the Family and Medical Leave Act (FMLA) (see 3 FAM 3530), the Department generally will consider the request for time off as both a request for reasonable accommodation and as a request for FMLA leave.

- b. A supervisor receiving such a request should ensure that materials concerning FMLA rights have been made available to the individual in accordance with 29 CFR 825.300 and 3 FAM 3530.
- c. If an employee requests leave under the FMLA for a serious health condition, the employee must fill out the medical questionnaire for FMLA leave, Form WH-0380-E, Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act). A supervisor is not violating the Rehabilitation Act by asking for the information in the FMLA certification form if the individual is or might be invoking rights under the FMLA.
- d. The Department may require periodic updates when an employee is on extended leave, including when on leave because of a serious medical condition, if the employee's request for leave did not specify a return date, or if the employee needs continued leave beyond what was initially granted. The individual's failure to provide documentation within a reasonable period after being requested may result in having the Department issue the individual an order to return to duty.

3 FAM 3676.2 Requests for Sign Language Interpreter or Reader

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. Sign language interpretation services are available through the Disability/Reasonable Accommodation Division (HR/ER/DRAD) for work-related duties, meetings, presentations, training, interviews, briefings, press conferences, Department events, or other official business functions whether during or outside of regular duty hours at the regular duty station or another location. Readers are available for persons with visual disabilities through HR/ER/DRAD. Sign language interpreters and readers will generally only be provided if another effective accommodation is not available such as captioning or software to assist those with visual disabilities.
- b. A request for sign language interpretation or a reader must be made to HR/ER/DRAD and must contain the following information:
 - (1) Time: Beginning and ending;
 - (2) Location: Building, room number;

- (3) Date;
- (4) Type of assignment (staff meeting, open forum, one-on-one meeting, etc.);
- (5) Any pertinent materials such as agenda, names of speakers, or any other background information;
- (6) Contact person (person making the request); and
- (7) Phone number or extension, e-mail, or other contact information for communicating with the person making the request.

This information will make it possible for HR/ER/DRAD to schedule the correct number of interpreter(s); prepare the interpreter(s) for the assignment; and ensure quality interpreting or reading services. For additional information, e-mail InterpreterServices@state.gov.

3 FAM 3676.3 Review of Assistive or Adaptive Technology for Compliance with Security Requirements

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

The Technical Evaluation Branch Chief who heads the Office of Countermeasures, Security Technology, Countermeasures Program in the Bureau of Diplomatic Security (DS/C/ST/CMP) or his or her designee generally will review all reasonable accommodation requests involving assistive or adaptive technology, except for certain pre-approved items, to determine whether providing the requested reasonable accommodation would pose a security risk.

3 FAM 3676.4 Requests for Accessible Parking

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. In cases of requests for accessible parking at Department of State Metropolitan Washington, DC buildings and facilities, the Disability/Reasonable Accommodation Division (HR/ER/DRAD) works with the Special Services Division, General Services Management, Office of Operations (A/OPR/GSM/SS) in responding to such requests. (See 6 FAM

1040, 6 FAM 1044.1, and 6 FAM 1045.2.)

- b. In cases of requests for accessible parking at other domestic facilities, the recipient of such a request should forward it to HR/ER/DRAD along with a statement of the facility's ability or inability to grant the request and any proposed alternatives.
- c. In cases of requests for accessible parking at Foreign Service posts, the recipient of such a request should forward it to HR/ER/DRAD along with a copy of post's published policy and procedures on assignment of parking spaces, a statement of the facility's ability or inability to grant the request and any proposed alternatives.

3 FAM 3676.5 Reassignment as a Reasonable Accommodation

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. Generally, reassignment is a reasonable accommodation of last resort. An employee who because of a disability can no longer perform the essential functions of the position he or she holds, either with or without reasonable accommodation, may receive an offer of reassignment to an existing, vacant position for which the employee is qualified as a reasonable accommodation.
- b. In considering whether there are positions available for reassignment, the Disability/Reasonable Accommodation Division (HR/ER/DRAD) will work with the individual requesting the accommodation and with either the individual's bureau executive director's office for Civil Service employees seeking a Civil Service position, or the Office of Career Development and Assignments (HR/CDA) for Foreign Service employees seeking another Foreign Service position. The Department will first seek a position that is equivalent to the employee's current job with regard to pay, status, geographic location, and other relevant factors. HR/ER/DRAD will consult with the affected employee as necessary to determine if there are limits on the search the employee would like the Department to conduct; if the individual is qualified to perform the essential functions of an identified vacant position; and what if any reasonable accommodation the employee would require in the new position.
- c. The Department will identify:
 - (1) Vacant positions within the Department for which the employee

may be qualified, with or without reasonable accommodation;

- (2) Positions that based on current knowledge reasonably may become vacant over the next 60 business days and for which the employee may be qualified; and
 - (3) Vacant lower-graded positions for which the individual is qualified, in the event there is no vacant position at an equivalent grade.
- d. Reassignment may be made only to a bona fide vacant position. The Department will not move another employee from his or her job in order to create a vacancy for an individual needing accommodation.
 - e. Reassignment is available only to employees, not to applicants.
 - f. A Foreign Service employee whose overseas assignment is curtailed because he or she has a medical condition that the Office of Medical Clearances (MED/MC) has determined cannot be adequately treated or managed at that location per 3 FAM 1930 is not necessarily disabled or entitled to “reasonable accommodation” in the form of a reassignment. Generally, Foreign Service employees whose medical conditions restrict their ability to serve at overseas posts can and should obtain subsequent overseas assignments with the assistance of HR/CDA and in accordance with normal bidding procedures governing the Foreign Service open assignments system.
 - g. Reassignment may be made to a vacant position outside of the employee’s commuting area if the employee is willing to relocate.
 - h. When considering reassignment as a reasonable accommodation, the Department will examine whether the accommodation conflicts with a controlling collective bargaining agreement.

3 FAM 3677 PROHIBITION AGAINST REPRISAL FOR MAKING A REQUEST FOR REASONABLE ACCOMMODATION

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

The Department of State prohibits reprisal against an individual because he or she has made a request for reasonable accommodation. See also 3 FAM 1550, Freedom from Retaliation/Reprisal and Complaints of Reprisal.

3 FAM 3678 FUNDING

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. Generally, funding for reasonable accommodations will be provided by the Disability/Reasonable Accommodation Division (HR/ER/DRAD). Salaries for sign language interpreters and readers, and funds for the purchase of assistive technology will be provided by HR/ER/DRAD.
- b. If special software has been purchased for the employee, the license should be assigned, if appropriate, to the employee so that it may be used in successive assignments unless procurement or other issues make this inadvisable.

3679 UNASSIGNED

3 FAM EXHIBIT 3673.3 RESOURCES FOR INDIVIDUALS WITH DISABILITIES

(CT:PER-644; 07-07-2011)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

U.S. Equal Employment Opportunity Commission

1801 L Street, N.W.
Washington, DC 20507
(202) 419-0700
1-800-800-3302 (TTY)

Further information on the EEOC is available on their Web site. The EEOC's Publication Center has many free documents on the Title I employment provisions of the Americans with Disabilities Act, including both the statute, 42 U.S.C. 12101 et seq., and the regulations, 29 CFR 1630. In addition, the EEOC has published a great deal of basic information about reasonable accommodation and undue hardship. See also the EEOC's Web site for enforcement guidance related to disability issues.

Center for IT Accommodations

1800 F Street, NW
Washington, DC 20405
Direct: (202)208-4134
quentis.scott@gsa.gov

Information concerning the Center for IT Accommodations is available through the GSA Web site. The mission is to be the recognized U.S. Government-wide policy resource for information on the accessibility of electronic and information technology, and in the use of assistive technologies.

Computer/Electronic Accommodations Program, Department of Defense

Main Office
511 Leesburg Pike, Suite 810
Falls Church, VA 22041
Direct: (703)681-8813
TTY: (703)681-0881

Fax: (703)681-9075
cap@tma.osd.mil

Information regarding the Computer/Electronic Accommodations Program, Department of Defense (CAP) can be found through the Tricare Web site <http://www.tricare.osd.mil/cap/>. CAP is the U.S. Government's centrally funded accommodations program, providing assistive technology solutions at no cost to the requesting agency.

Job Accommodation Network (JAN)

1-800-526-7234 (Voice)
1-877-781-9403 (TTY)

Information concerning the Job Accommodation Network (JAN) is available on their Web site <http://www.jan.wvu.edu/>. JAN is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Registry of Interpreters for the Deaf

333 Commerce Street
Alexandria, VA 22314
(703) 838-0030 (Voice)
(703) 838-0459 (TTY)

The Registry of Interpreters for the Deaf Web site is <http://www.rid.org/>. Registry offers information on locating and using interpreters and transliteration services.